

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
MAY 25, 2010
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Jeff Sharp, Lou Marr
Tom Wetherald, and Dave Bonnell

Staff Present: Laura Thayer, Assistant Planning Director; Thom Weintraut,
Senior Planner; Tim Coriden, City Attorney; and Stephanie
Carr , Code Enforcement

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Tim Coriden, City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

Public Hearing

NEW BUSINESS REQUIRING BOARD ACTION

Ms. Thayer stated that **C/UV-10-01** and **C/UV-10-02** Early Head Start had requested continuance until the next meeting.

Dave Bonnell made a motion to accept continuance on **C/UV-10-01** Early Head start and **C/UV-10-02**. The motion was seconded by Jeff Sharp and approved 5-0.

Public Hearing

C/FP-10-01: Griffin Industries

Griffin Industries is a request for a floodplain variance from Zoning Ordinance Section 4.7(F) (3) to allow a temporary office in the flood hazard area for 180 days without being elevated. The property is located at 345 Water Street in the City of Columbus.

Thom Weintraut began by giving background into the record.

He said on August 28, 2008, the applicants received approval for a temporary trailer on the site for 180 days. This approval was provided as part of a series of actions taken by the City to assist businesses recovering from the June 7, 2008 flood.

Mr. Weintraut said on August 20, 2008, Griffin Industries applied for a use variance to allow the construction and expansion of an office building, a legally non-conforming use, in the AP zoning district. On October 28, 2008 the Board denied the petition.

He said on November 26, 2008, Griffin Industries filed a writ of certiorari with Superior Court 1 of Bartholomew County pertaining to Docket C/UV-08-02.

Then on February 24, 2009, Griffin Industries filed a flood variance application to allow continued use of a temporary structure (a trailer) in the floodplain without meeting the requirements of the zoning ordinance (C/FP-09-01). This request was approved with two conditions:

1. The trailer will be removed 180 days from the date of approval.
2. The electrical service feed will be elevated above the base flood elevation and be designed for a quick disconnect to allow the trailer to be transportable in the event of flooding.

Mr. Weintraut said on November 18, 2009 Griffin Industries filed a request to allow the continued use of the trailer without meeting the flood protection requirements (C/FP-09-03). He said on December 3, 2009 the Court affirmed the decision of the Board to deny the use variance to expand the legal non-conforming office space. On December 22, 2009, the Board approved the flood variance request noting that the petitioner would not be granted additional variances from the requirements to allow the trailer to not meet the flood protection requirements.

Chris Griffin and Jim Hollenbaugh stated their names and address into the record.

Mr. Griffin began by addressing the findings of fact presented by Mr. Weintraut.

He said there were several things that were incorrect in the staff report.

Mr. Griffin said that the zoning criteria remain the same as it did back in December 22, 2009. The only thing different is the legal proceedings are now closed.

He said Griffin actually had until January 23, 2010 to appeal the Bartholomew County Superior Courts ruling.

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Mr. Griffin said on December 22, 2009 the Board approved the variance without conditions.

He said they have been going through the proper steps with legal proceedings and it took them 14 months from start to finish during that time. He said if you look at Griffin Industries history here in Columbus, the last time they went for a use variance and waited for a Court decision, they felt like it would have been premature for them to go ahead and make any improvements to the office, until the legal decision was actually made.

Mr. Griffin said that the staff report says that they are remodeling and should have gotten a permit from the Building and Zoning office. He said they were under the impression that they did not need one for painting and new carpeting. He said they needed a second trailer to move their equipment.

Mr. Griffin said their only option would be to rebuild in a flood plain.

There was a brief discussion about a second trailer for their equipment.

Mr. Griffin said that they would talk to DNR about getting a larger trailer but they would be willing to go another route in order to get the work done.

Ms. Ferdon said she remembered back in December when Mr. Griffin said all they needed was 180 days to get the work done, and many businesses during the flood and after the flood got their remodeling work done in a few days.

She said that the staff's main concern is that the trailer is in the floodway.

Mr. Griffin said that if they put money in to have the trailer elevated they still can't expand the footprint of the building.

Dave Bonnell made motion to approve **C/FP-10-01** for a 60 day extension of the use of the temporary trailer in the floodway without meeting the requirement that the trailer be elevated.

The 60 day extension takes effect on June 21, 2010 and will be in effect until August 20, 2010.

Jeff Sharp seconded the motion and it passed 5-0.

C/CU-10-08: Human Services

Human Services is a request for a conditional use approval to allow an office use in an I2 (General Industrial) zoning district. The hours of service will be 7:30 a.m. to 5:30 p.m., Monday through Friday.

Ms. Thayer began by reading the background into the record. There was a power point presentation.

Ms. Ferdon said she had concerns about the traffic and pulling out on Central Avenue.

Donna Taylor stated her name and address into the record.

Ms. Taylor said that they had served 16,155 households in 2009.

She said that they will be using the entire brown brick building that consists of 10,200 square feet.

Ms. Taylor said that some clients will walk or ride the city bus to this site. There is a bus stop on the corner of 17th Street and Central Avenue.

She said that the current owner of the property has left town and the building is now going through foreclosure. She said that they had started this application before all of this had come about.

There was a brief discussion about the property and the pending sale of the property.

The meeting was opened to the public.

Susan Fye was in favor of the petition.

The meeting was closed to the public.

There was a brief discussion among the Board and Mr. Coriden on the selling and foreclosure of the property.

Ms. Thayer clarified that variances go with the land.

Ms. Marr said she thought the request should be continued based on the fact that there are so many unknowns since the property is for sale and going through a foreclosure.

Lou Marr made a motion to continue **C/CU-10-08** until July 27, 2010. The motion was seconded by Tom Wetherald and passed 5-0.

FINDINGS OF FACT

C/DS-10-03: International House of Pancakes

Jeff Sharp made a motion to accept the findings of fact, which was seconded by Tom Wetherald. The motion carried by a vote of 5-0

APPROVAL OF MINUTES

Lou Marr made a motion to approve the minutes of the April 27, 2010 meeting, which was seconded by Tom Wetherald. The motion was approved by a vote of 5-0.

There being no more further business the meeting was adjourned.

Mary Ferdon, Chairperson

Dave Bonnell, Secretary